



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/736,596

12/17/2003

Paul Petzl

118134

5871

25944

7590

02/09/2005

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,596

Applicant(s)

PETZL ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1203.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the swivel pin arranged above the diodes (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

Art Unit: 2875

following is required: antecedent basis should be provided for claim 4. The particular configuration is not mentioned in the specification.

Claim Objections

3. Claims 1-9 are objected to because of the following informalities: 1) the word "LED" should be deleted from line 2 of claim 1 because it is repetitive; 2) the word "are" should be "is" in claim 5. Claims 2-4 and 6-9 are necessarily included due to their dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (U.S. Patent 3,843,878) in view of Chun (U.S. Patent 6,793,366).

Regarding claim 1, Ueda et al. discloses means for modifying the light beam (Fig. 4) emitted by the light source through a window of the housing (Figs. 1 and 2) and comprising optical transmission means (reference number 15) mounted swiveling around a swivel pin (reference numbers 10 and 10', Figs. 2 and 5) securely fixed to the housing (Fig. 2) allowing a limited swiveling movement between an inactive position away from the light source (Fig. 7, dotted lines) and an active position situated facing the light source (Fig. 3), the swivel pin extending substantially parallel to the direction of alignment of the light source (Figs. 1 and 2, reference number 10). Ueda does not disclose the light emitting diodes, or the switch.

Chun discloses light emitting diodes (reference number 65) and a switch (reference number 34) to control lighting of the diodes (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the light emitting diodes of Chun in place of the light source of Ueda to provide a lighting instrument that consumes less power. See the abstract of Chun.

Concerning claim 2, Ueda et al. discloses the swivel pin of the optical transmission means being horizontal (reference number 10, Fig. 1). Ueda does not disclose the swivel pin as being place back from the diodes.

Placing the swivel pin back from the diodes is considered to be an obvious rearrangement of parts. Since the swivel pin is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the swivel pin of Ueda back from the light source so that the swivel pin does not obstruct the light from the light source. See M.P.E.P. 2144.04.

Regarding claim 3, Ueda does not disclose the swivel pin being place under the diodes.

Placing the swivel pin under the light source (diodes) is considered to be an obvious rearrangement of parts. Since the swivel pin is well known in the art, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to place the swivel pin under the light source (diodes) so that a person can easily access the light source like one accesses food out of the oven. See M.P.E.P. 2144.04.

Concerning claim 4, Ueda discloses the swivel pin (reference number 10) being arranged above the light source (Fig. 1). (It is obvious to switch the light source of Ueda et al. for the diodes of Chun for the reasons stated in the rejection of claim 1.)

Regarding claim 5, Ueda discloses the front face of the housing comprising a rim (outline of Fig. 1) acting as a bearing surface for the optical transmission means when the latter is in the inactive position. (The projection, reference number 18, bears against the rim when the optical transmission means is in the inactive position.)

Concerning claim 7, Ueda discloses an optical transmission means comprising a lens (reference number 5).

Regarding claim 8, Ueda discloses the optical transmission means being provided with a gripping finger (reference number 18) at the top part (Fig. 5) and with a cylindrical protuberance at the bottom part constituting the swivel pin (reference number 10', Fig. 5).

Concerning claim 9, Ueda discloses the window of the housing remaining opening in the inactive position (Fig. 2) and being blanked off by the optical transmission means in the other active position (Fig. 3).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. in view of Chun as applied to claim 1 above, and further in view of Brown (U.S. Patent 2,389,591).

Regarding claim 6, Ueda et al. does not disclose a colored filter. Brown discloses the optical transmission means comprising a colored filter (reference number 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the colored filter of Brown in the apparatus of Ueda et al. to produce colored light from the apparatus. See column 1, lines 1-5, of Brown.

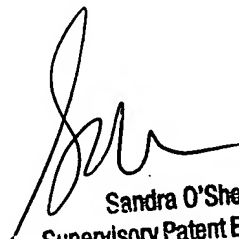
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800